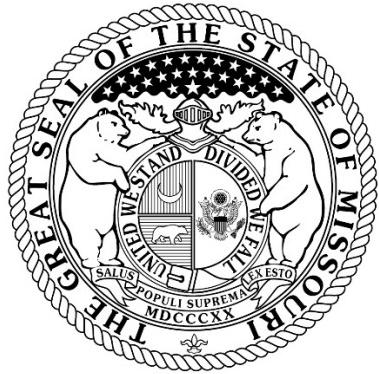


# Diversity and Inclusion in the Missouri Judiciary



Missouri Office of State Courts Administrator

2022

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## Purpose

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This study updates the 2019 published report examining the demographics of Missouri Judiciary employees. The results of the data are compared with United States Census Bureau data, where it is available, in an effort to show how the Missouri Judiciary's employee demographics are similar to or different from the populations they serve.

This report serves as a baseline for future reference and to make future decisions impacting the diversity of the Missouri Judiciary's employee population and to address disparities found within the Missouri Judiciary as a whole.

## Introduction

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The population of the United States is becoming increasingly diverse. According to AP News, the white population in the United States fell below 60% for the first time and those who identify as Two or More Races tripled to 10% between 2010 and 2020. The total number of individuals 18 and younger decreased due to declining birth rates, but their racial makeup is more diverse with more Hispanic, Asian and people of two or more races.<sup>1</sup> This change is forcing organizations to examine their own employee demographics and attempt to be reflective of the populations they serve. A recent article on Indeed titled *5 Advantages of Diversity in the Workplace* states, “By expanding your hiring practices to attract more candidates from diverse backgrounds, you can enhance the way your business functions and make your company more appealing to applicants. Focusing on diversity in the workplace creates a positive cycle for your business where more diverse employees result in better company culture, allowing you to attract a more diverse pool of top performers when bringing in new applicants.”<sup>2</sup>

The U.S. Department of Labor reports the average percentage of women participating in the civilian labor force for 2020 was 56.2% – slightly more than 56 of every 100 women were working. The average percentage of men participating was 67.7%.<sup>3</sup> Access to childcare has allowed the number of working mothers with a child under 3 to stay steady at 63.1% for 2020, but this is still significantly lower than working fathers with a child under 3 (93.5%).<sup>4</sup> Additionally, the pandemic caused “millions of women to be in a career downshift after leaving the job market during the past two years to care for children, particularly when schools and day cares closed.”<sup>5</sup> Female representation in the judiciary is important because the United States population is approximately 50% female. “Women’s representation in the judiciary is key to ensuring that courts represent their citizens, address their concerns and hand down sound judgments. By their mere presence, women judges enhance the legitimacy of courts, sending a powerful signal that they are open and accessible to those who seek recourse to justice.”<sup>6</sup>

In 2021, President Joe Biden signed Executive Order 13985 which states, “To further advance equity within the Federal Government, this order establishes that it is the policy of my Administration to cultivate a workforce that draws from the full diversity of the Nation.” Although this order only pertained to the federal government, all levels of governments are examining their populations and recruiting employees from diverse races, religions, ages, etc. This will be important for future workforce development because, according to a survey conducted by CNBC, “Nearly 80% of workers say that they want to work for a company that values diversity, equity and inclusion.”<sup>7</sup>

Besides gender, race and ethnicity, age is another important way to increase diversity within organizations. According to Forbes, “When we mix the different strengths and perspectives of

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<sup>1</sup> <https://apnews.com/article/census-2020-house-elections-4ee80e72846c151aa41a808b06d975ea>

<sup>2</sup> <https://www.indeed.com/hire/c/info/benefits-of-diversity>

<sup>3</sup> <https://www.dol.gov/agencies/wb/data/latest-annual-data/labor-force-participation-rates#Labor-Force-Participation-Rate-by-Sex-Race-and-Hispanic-Ethnicity>

<sup>4</sup> <https://www.dol.gov/agencies/wb/data/latest-annual-data/labor-force-participation-rates#Labor-Force-Participation-Rate-by-Sex-Race-and-Hispanic-Ethnicity>

<sup>5</sup> <https://www.hartfordbusiness.com/article/disproportionately-displaced-during-pandemic-companies-state-focus-on-bringing-more-women>

<sup>6</sup> <https://www.un.org/en/observances/women-judges-day>

<sup>7</sup> <https://www.cnbc.com/2021/04/30/diversity-equity-and-inclusion-are-important-to-workers-survey-shows.html>

younger and older workers, we gain the benefits of diversity of thought. The unemployment rate among older workers has been outpacing younger workers and many older workers are retiring either because of job loss or health concerns related to Covid-19.”<sup>8</sup> Examining age diversity also allows for succession planning within an organization due to retirements and ensures the upcoming workforce has the requisite knowledge and preparation to fulfill more responsible roles.

Within the judicial branch of government, discussions about diversity are becoming more common. While progress has been made to ensure courts are inclusive by offering interpreters and creating handicap accessible courtrooms, diversity in court staffing through gender, race/ethnicity and age is becoming more of a focus. According to the Brennan Center for Justice, “Diversity on the bench is an essential component of a fair and impartial judiciary. Bringing a range of experiences and perspectives to bear allows judges to make better informed decisions and increases public confidence in their rulings. Unfortunately, today, neither state nor federal courts reflect the diversity of the communities they are supposed to serve.”<sup>9</sup> Other judiciary employees, such as clerks, bailiffs and support staff also are important to examine because they often interact with those the courts serve on a face-to-face basis, prior to and more often than a judge. Regardless of the job title, judicial diversity is an important topic to discuss and goal to work toward.

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<sup>8</sup> <https://www.forbes.com/sites/nextavenue/2020/07/19/the-diversity-employers-need-to-remember-age-diversity/?sh=632b089a4b6b>

<sup>9</sup> <https://www.brennancenter.org/issues/strengthen-our-courts/promote-fair-courts/diversity-bench>

## **Background**

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In April 2017, the National Center for State Courts began working with the Missouri Judiciary to review its diversity in comparison with the general Missouri and United States populations. The National Center for State Courts used demographic data from surveys of state-paid judicial employees – both judges and commissioners (not municipal or federal) and non-judges – to better understand the demography of Missouri’s judicial employees. Specifically, race, ethnicity, gender, age and education level were analyzed. Any additional data needed was extracted from the judiciary payroll system known as the Statewide Advantage for Missouri (SAM II) database.

### ***Expanded Data Pool***

Although informative, the results of the 2017 effort were incomplete, as all data captured pertained only to **state-paid** judicial employees. (National Center for State Courts, 2017) Within the Missouri judiciary, there are many employees not paid by the state of Missouri and, therefore, not surveyed nor included in the results.

To gather comparable information about **non-state-paid** judicial employees and to expand upon the results of the 2017 data, the Missouri Office of State Courts Administrator issued a self-reporting survey to non-state-paid employees in November 2018. Of the 2,005 individuals surveyed, 1,196 responses were received, for a total response rate of 60%. Filtering out responses from temporary, contractual, grant-funded, municipal (sans the city of St. Louis) and extraneous state-paid employees resulted in a final non-state-paid count of 891 respondents. The 891 responses produced a margin of error of approximately 3.25% and a confidence level of 99%. Survey data was then combined with 2018 judiciary payroll information extracted from the SAM II database, all to gather a more complete picture of Missouri Judiciary employees.

This report again uses state-paid and non-state-paid employees, but the method for non-state-paid data collection was changed. The information for non-state-paid employees was collected directly by the circuit courts and provided to OSCA. This resulted in more than 400 additional responses compared to 2018 and produced a 2% margin of error with a confidence level of 99%. Not included in this report are 458 non-state-paid employees who reported no demographic data.

**Throughout the report, use of the term “judge” in reference to Missouri judges includes Supreme Court judges, appellate judges, circuit judges and associate circuit judges, as well as commissioners.**

### ***Variables Reported***

This report provides information about four variables: gender, race/ethnicity, race/ethnicity combined with gender, and age. Each of these variables has its own section and includes data from the 2018 payroll data of state-paid employees, 2018 self-reported survey data of non-state-paid employees, 2021 payroll data, 2021 non-state-paid data, self-reported Missouri attorney enrollment data and United States Census Bureau data if available.

**The percentages shown throughout this report do not always equate to 100% due to rounding to the nearest whole number.**

### *Breakdown by Method of Judicial Selection*

Additionally, the report provides information about the variables broken down further among judges based on the applicable method of judicial selection, distinguishing between courts using the **Missouri Nonpartisan Court Plan** and those using **partisan elections**.

In the circuit courts in 109 counties in the state (collectively, “elected courts”), circuit judges and associate circuit judges are elected by popular vote. Vacancies during a term are filled by appointment by the governor until the next general election. Commissioners in these courts typically are selected by the court en banc.

Judges in the remaining courts are selected using the Missouri Nonpartisan Court Plan pursuant to article V, section 21 of the state constitution. Jurisdictions using the Missouri Nonpartisan Court Plan are the circuit courts in Clay, Platte, Jackson, Greene and St. Louis counties and the city of St. Louis, as well as all three districts of the Missouri Court of Appeals and the Supreme Court of Missouri (collectively, “nonpartisan courts”). Commissioners in these courts typically are selected by the court en banc.

For each judicial vacancy under the Missouri Nonpartisan Court Plan, a judicial nominating commission screens applicants, interviews candidates and sends three nominations for the governor’s consideration. The governor then has 60 days to select one of the nominees to fill the vacancy. Judges selected under the Missouri Nonpartisan Court Plan must stand in periodic retention elections by the voters.

### *Breakdown by Court Size*

Finally, this report provides information about the variables broken down further among judges based on the size of their courts. These data tables apply only to judges of the circuit courts (excluding municipal divisions), broken down into:

- Metro courts (Jackson County, St. Louis County and the city of St. Louis)
- Mid-size courts – include 6th circuit (Platte County), 7th circuit (Clay County), 11th circuit (St. Charles County), 13th circuit (Boone and Callaway counties), 19th circuit (Cole County), 31st circuit (Greene County), 32nd circuit (Bollinger, Cape Girardeau and Perry counties), 38th circuit (Christian County) and 46th circuit (Taney County)
- Rural courts – include the remaining 34 circuits not listed above

Judges of the Supreme Court of Missouri and the three districts of the Missouri Court of Appeals are excluded from these data tables.

## Executive Summary and Summary Outcomes

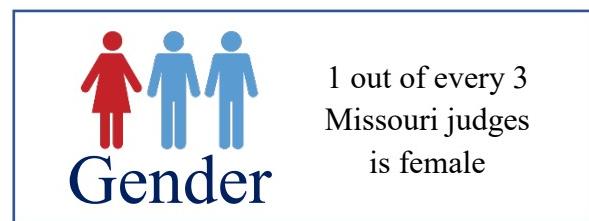
Combining the data for judges and employees offers a picture of the entire Missouri Judiciary by race/ethnicity and gender:

- Nearly three in four Missouri Judiciary personnel are women (Page 14)
- Compared with the state population's gender ratio, the Missouri Judiciary is overrepresented by females by nearly 20% (Page 14)
- Two out of three Missouri Judiciary personnel are 54 years of age or younger (Page 28)
- Nearly one in six Missouri Judiciary personnel is diverse (Page 25)
- African-Americans represent 14% of Missouri Judiciary personnel – reflective of the state's population (Page 20)

More detailed snapshots of gender, race/ethnicity, race/ethnicity combined with gender, and age follow.

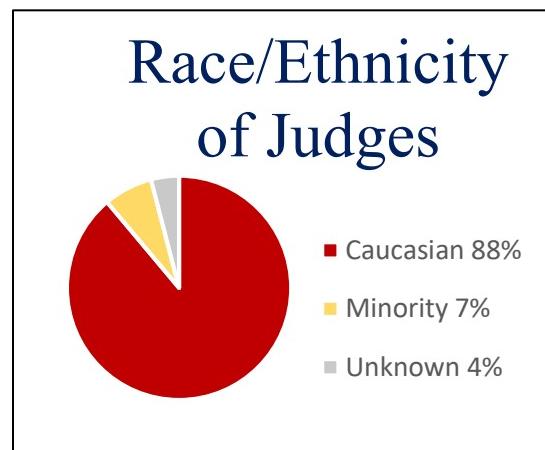
### *Gender Diversity*

- Missouri's judges are 32% female, closely aligning with national data showing 34% of judges are women (Page 11)
- The Missouri Nonpartisan Court Plan has resulted in a more gender-diverse bench:
  - In nonpartisan courts, 42% of judges are female
  - In elected courts, 24% of judges are female(Page 12)
- The U.S. Census Bureau projects Missouri's 2020 population is 51% female (Page 14)
- Of Missouri's active lawyers who reported their gender, 36.5% are female, which is underrepresentative of the state's female population by 14% (Pages 11 and 14)
- Of those enrolled in law schools throughout the nation, 56% are female (Page 11)
- Counting employees and judges, nearly three out of four Missouri Judiciary personnel are female (Page 14), which is overrepresentative of the state's female population by nearly 25%
- Excluding judges, 75% of employees are female (Page 14)



## Racial/Ethnic Diversity

- The racial and ethnic composition of Missouri judges is 7% minority, while the state's active lawyers who reported race and ethnicity are 12% minority. (Page 16)
- The Missouri Nonpartisan Court Plan has resulted in a more racially and ethnically diverse bench:
  - In nonpartisan courts, roughly 15% of judges are people of color
  - In elected courts, 2% of judges are people of color(Page 17)
- Nationwide, 18% of judges are races other than Caucasian (Page 16)
- Of those enrolled in law schools throughout the nation, 33% are racial and ethnic minorities (Page 16)
- The U.S. Census Bureau projects 21% of Missouri's 2020 population are racial and ethnic minorities (Page 20)
- Counting employees and judges, 18% of Missouri Judiciary personnel are racially or ethnically diverse (Page 20)
- Excluding judges, 19% of employees are racial and ethnic minorities (Page 20)

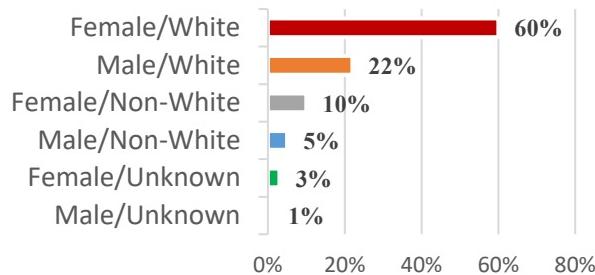


## Diversity, Race/Ethnicity Combined with Gender

- Of Missouri's judges who reported race and ethnicity in addition to gender:
  - 4% are women of color, compared with 8% of judges nationally
  - 5% are men of color, compared with 12% of judges nationally
  - 26% are white women, compared with 22% of judges nationwide who are white non-Hispanic women
  - 62% are white men, compared with 58% of judges nationally who are white non-Hispanic men(Page 23)
- Of the Missouri Judiciary's non-judge employees who reported race and ethnicity in addition to gender:
  - 11% are women of color
  - 5% are men of color
  - 63% are white women
  - 18% are white men(Page 25)

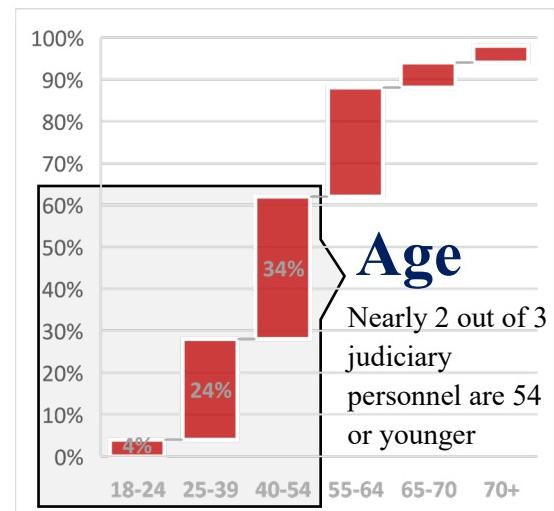
- Combining available data for all Missouri Judiciary personnel judges and employees:
  - 60% are white women
  - 22% are white men
  - 10% are women of color
  - 5% are men of color
 (Page 25)

## Gender and Race/Ethnicity



### *Age Diversity*

- In Missouri, associate circuit judges must be 25 years old, and all other judges must be 30 years old, and all judges must retire at age 70. Given this limitation:
  - Slightly more than 2 out of every 5 judges are 54 years old or younger
  - Nearly 3 out of every 5 judges are 55 years old or older
  - The largest percentage – 41% – are between 55 and 64 years old
 (Page 26)
- Non-judge employees typically are not subject to the same age restrictions. Accordingly:
  - Approximately two-thirds are 54 years old or younger
  - Approximately one-third are 55 years old or older
  - The largest percentage – 34% – are between 40 and 54 years old
 (Page 28)
- Combining available data for judges and employees:
  - Nearly 2 out of 3 Missouri Judiciary personnel are 54 years of age or younger
  - When compared to the 2020 U.S. Census Bureau projections, the judiciary is overrepresented in the following age groups: 25-39, 40-54 and 55-64
 (Page 28)

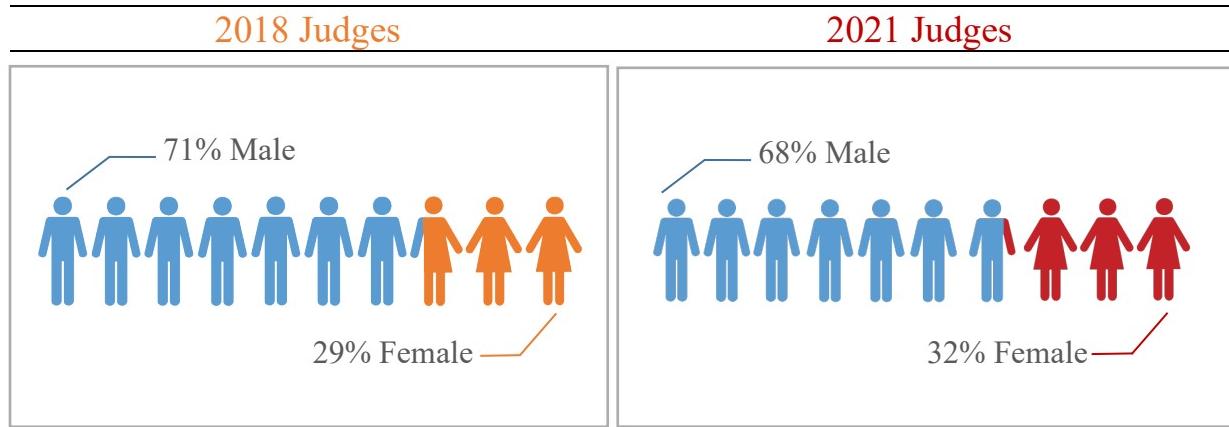


It is hoped these summary outcomes, determined from the data provided in the body of the report, will assist leadership in determining appropriate next steps.

## Missouri Judiciary by Gender

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### Judges



100% of judges per SAM II data

- 71% of judges were male
- 29% were female
- 68% of judges were male
- 32% of judges were female

### National Data:

**Nationwide Bench** | 66% of judges were male and 34% were female. (National Association of Women Judges, 2022)

**Law School Admissions** | According to the Law School Admissions Council, 43% are male, 58% are female and 1% is unknown.

**The Missouri Bar** | Of the 86.5% of active lawyers licensed to practice law in Missouri who reported their gender in 2021, 36.5% are female and 63.5% are male.

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- ✓ Missouri's judges are reflective of national data:  
more judges are male than female
  - ✓ Of the 87% of active lawyers licensed to practice law in Missouri who reported gender, 36.5% are female, while 32% of Missouri judges are female
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## *Missouri Judges – Breakdown by Method of Judicial Selection*

The data following show the breakdown of all judges in nonpartisan and elected courts, the breakdown of judges in the nonpartisan and elected circuit courts, and the Supreme Court of Missouri and Missouri Court of Appeals (both of which are nonpartisan), separately.

### Judges by Gender in All Nonpartisan vs. Elected Courts

Nonpartisan Courts	Judges	Census Data*	Elected Courts	Judges	Census Data
Female	42%	51%	Female	24%	50%
Male	58%	49%	Male	76%	50%
Number	182		Number	237	

*\*Census data for the nonpartisan courts includes Clay, Platte, Jackson, Greene, and St. Louis counties; the city of St. Louis; the Southern, Western, and Eastern appellate districts; and the Supreme Court.*

### Judges by Gender in Nonpartisan Circuit Courts vs. Elected Circuit Courts

Nonpartisan Courts	Judges	Census Data*	Elected Courts	Judges	Census Data
Female	46%	51%	Female	24%	50%
Male	54%	49%	Male	76%	50%
Number	125		Number	237	

*\*Census data for the nonpartisan courts includes Clay, Platte, Jackson, Greene, and St. Louis counties; and the city of St. Louis.*

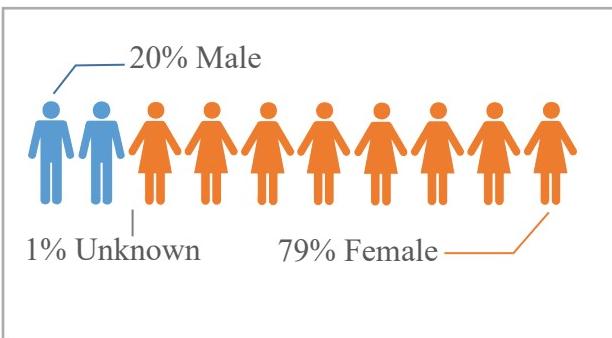
### Judges by Gender on Supreme Court of Missouri and Missouri Court of Appeals

Supreme Court of Missouri and Missouri Court of Appeals	Judges	Census Data
Female	36%	51%
Male	64%	49%
Number	39	

- Nonpartisan courts reflect greater female representation than elected courts – 42% compared with 24%, respectively. More than 2/5 of judges in nonpartisan courts are female.
- Gender is more reflective of census data in nonpartisan courts than in elected courts.
- Elected courts represent a greater number of judges than appointed courts.

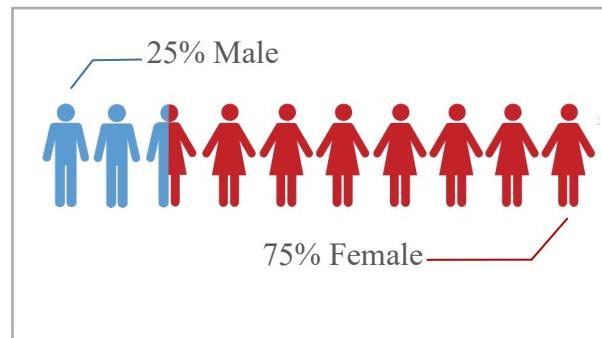
## Judicial Employees (Excluding Judges)

### 2018 Non-Judge Employees



\*State- and non-state-paid employees combined

### 2021 Non-Judge Employees



\*State- and non-state-paid employees combined

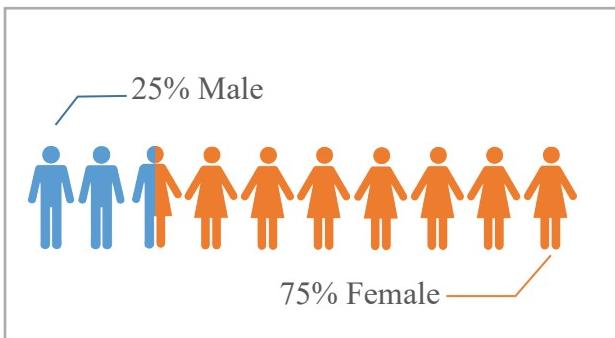
- 20% of all non-judge employees were male
- 79% were female
- 1% were unknown

- 25% of all non-judge employees were male
- 75% were female

- ✓ Court clerks are predominantly female, which explains the higher percentage of females overall when examining non-judge employee data
  - ✓ Male representation has increased by 5% since 2018

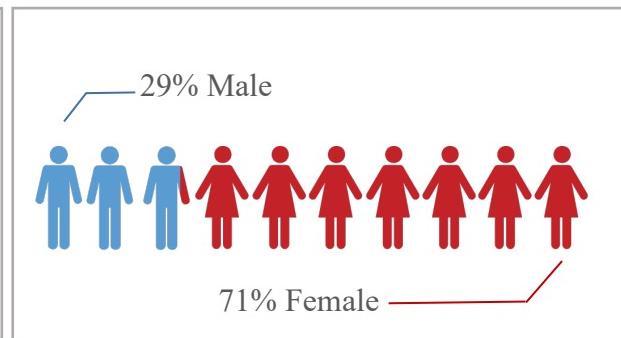
## Judicial Employees and Judges

### 2018 All Judiciary Personnel



\*Employees and judges

### 2021 All Judiciary Personnel



\*Employees and judges

- 25% of all judiciary personnel were male
- 75% were female

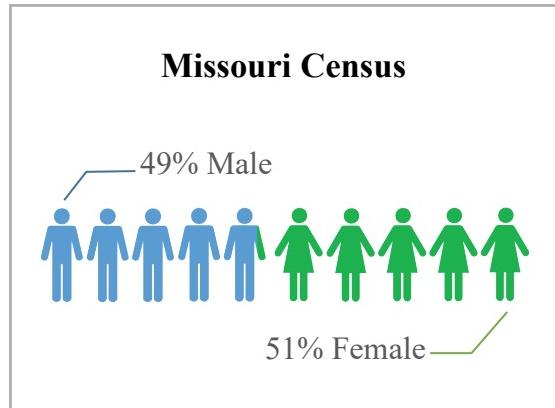
- 29% of all judiciary personnel were male
- 71% were female

✓ Employees and judges *combined* are 71% female and 29% male – a more complete picture of the Missouri Judiciary by gender

## United States Census Bureau Data

The state of Missouri projected population data for 2020 provided by the United States Census Bureau shows the state population is split almost exactly in half, with 51% female and 49% male. (United States Census Bureau, 2020) (See Appendix C for additional information.)

When the gender data for the Missouri Judiciary as a whole is examined, the ratio is better but still not reflective of the Missouri population.



✓ In comparison with the state's gender ratio, the Missouri Judiciary employee population is overrepresented by females by approximately 20%

## All Missouri Judiciary Employees – Breakdown by Court Size

### Metro-Area Courts by Gender

- In metro-area courts, judges are 46% female, which is much closer than mid-size or rural courts to the census data for the same areas.

Metro-Area Courts*	Judges	Employees	Census Data
Female	46%	71%	52%
Male	54%	28%	48%
Unknown	0%	1%	0%
Number	112	1,291	

\*Include the circuit courts of Jackson County, St. Louis County and the city of St. Louis.

### Mid-Size Courts by Gender

- In mid-size courts, the employee workforce is mostly female.

Mid-Size Courts*	Judges	Employees	Census Data
Female	37%	77%	51%
Male	63%	22%	49%
Unknown	0%	1%	0%
Number	75	787	

\*Include the following circuit courts: 6th (Platte County), 7th (Clay County), 11th (St. Charles County), 13th (Boone and Callaway counties), 19th (Cole County), 31st (Greene County), 32nd (Bollinger, Cape Girardeau and Perry counties), 38th (Christian County) and 46th (Taney County).

### Rural Courts by Gender

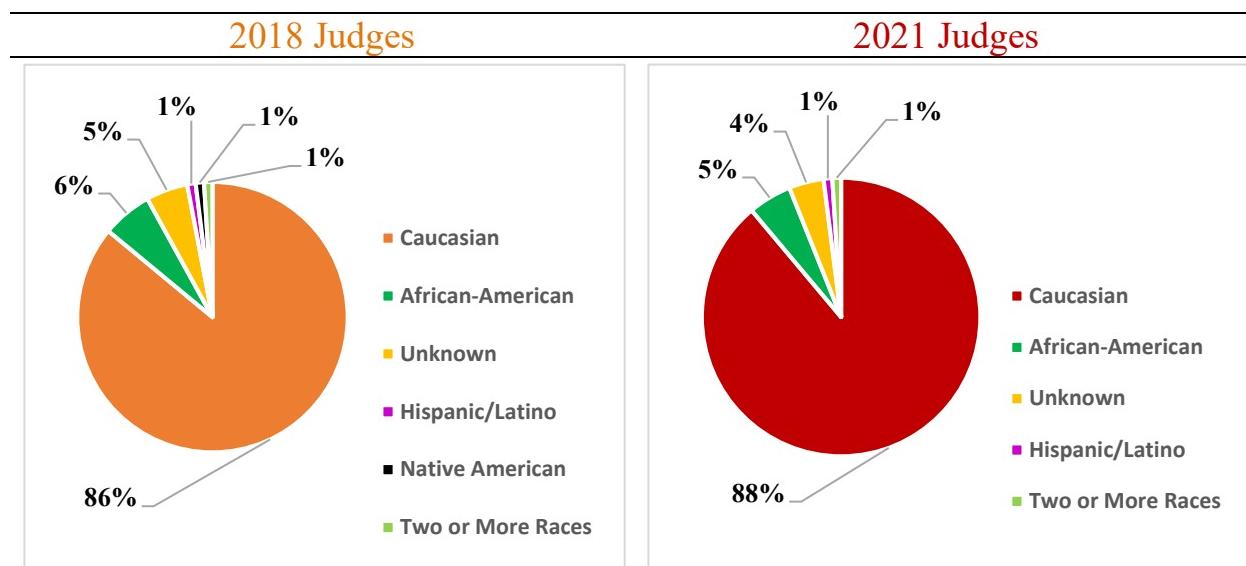
- In rural courts, judges are predominantly male, while employees are predominantly female.

Rural Courts*	Judges	Employees	Census Data
Female	20%	84%	50%
Male	80%	16%	50%
Unknown	0%	0%	0%
Number	193	1,626	

\*Include the remaining 34 circuit courts.

## Missouri Judiciary by Race/Ethnicity

### Judges



- 86% of judges were Caucasian
- 6% were African-American
- 5% were Unknown
- 1% were Hispanic/Latino
- 1% Native American
- 1% were Two or More Races

- 88% of judges were Caucasian
- 5% were African-American
- 4% were Unknown
- 1% were Hispanic/Latino
- 1% were Two or More Races

### National Data

**Nationwide Bench** | 82% of judges were Caucasian. 18% were judges of color. (U.S. Bureau of Labor Statistics, 2019)

**Law School Admissions** | The 2021 First Year Law School Admissions showed 61% of those admitted were Caucasian, 8% were African-American, 13% were Hispanic/Latino, 7% were Asian, 4% were two or more races, 3% were unknown, and 1% were split between American Indian/Alaskan.

**The Missouri Bar** | Of the 65% of the active lawyers licensed to practice law in Missouri who reported their race and ethnicity in 2021, 88% are Caucasian, 5% are African-American, 2% are Asian, 2% are Hispanic, 3% is split between American Indian, Multiracial, and Native Hawaiian, and 0% reported as unknown.

✓ 7% of Missouri judges are races/ethnicities other than Caucasian,  
in comparison with 18% of judges nationwide

## Missouri Judges – Breakdown by Method of Judicial Selection

The data following show the breakdown of all judges in nonpartisan and elected courts, the breakdown of judges in the nonpartisan and elected circuit courts, and the Supreme Court of Missouri and Missouri Court of Appeals (both of which are nonpartisan), separately.

### Judges by Race/Ethnicity in All Nonpartisan vs. Elected Courts

All Nonpartisan Courts	Judges	Census Data*	Elected Courts	Judges	Census Data
African-American	12%	11%	African-American	0%	4%
Asian	1%	2%	Asian	0%	1%
Caucasian	81%	76%	Caucasian	94%	85%
Hawaiian/Pacific Islander	0%	0%	Hawaiian/Pacific Islander	0%	0%
Hispanic or Latino	2%	5%	Hispanic or Latino	0%	4%
Native American	0%	0%	Native American	1%	0%
2 or More Races	0%	5%	2 or More Races	1%	5%
Unknown/Declined to Respond	4%	0%	Unknown/Declined to Respond	4%	0%
Number	182		Number	230	

\*Census data for the nonpartisan courts includes Clay, Platte, Jackson, Greene, and St. Louis counties; the city of St. Louis; the Southern, Western, and Eastern appellate districts; and the Supreme Court.

### Judges by Race/Ethnicity in Nonpartisan Circuit Courts vs. Elected Circuit Courts

Nonpartisan Circuit Courts	Judges	Census Data*	Elected Circuit Courts	Judges	Census Data
African-American	13%	21%	African-American	0%	4%
Asian	1%	3%	Asian	0%	1%
Caucasian	80%	63%	Caucasian	94%	85%
Hawaiian/Pacific Islander	0%	0%	Hawaiian/Pacific Islander	0%	0%
Hispanic or Latino	3%	6%	Hispanic or Latino	0%	4%
Native American	0%	0%	Native American	1%	0%
2 or More Races	1%	5%	2 or More Races	1%	5%
Unknown/Declined to Respond	3%	0%	Unknown/Declined to Respond	4%	0%
Number	143		Number	230	

\*Census data for the nonpartisan courts includes Clay, Platte, Jackson, Greene, and St. Louis counties; and the city of St. Louis.

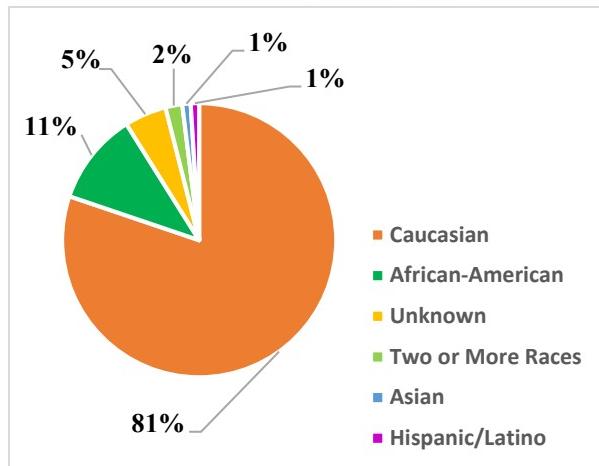
## Judges by Race/Ethnicity on Supreme Court of Missouri and Missouri Court of Appeals

<b>Supreme Court of Missouri and Missouri Court of Appeals</b>	<b>Judges</b>	<b>Census Data</b>
African-American	11%	11%
Asian	3%	2%
Caucasian	82%	76%
Hawaiian/Pacific Islander	0%	0%
Hispanic or Latino	0%	5%
Native American	0%	0%
2 or More Races	0%	5%
Unknown/Declined to Respond	5%	0%
Number	39	

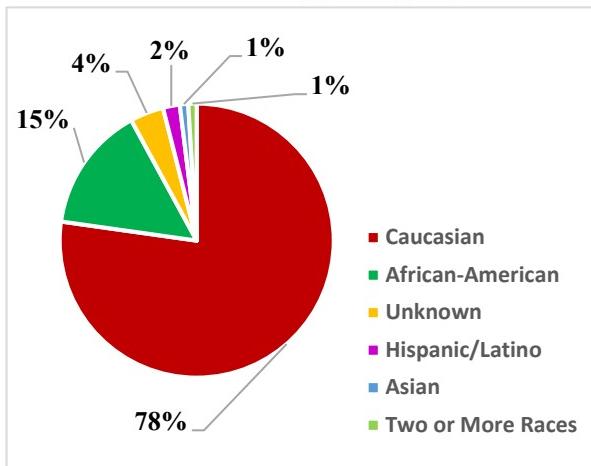
- Minority representation in nonpartisan courts is significantly higher than in elected courts – 15% compared with 2%, respectively. Roughly 1/5 of judges in nonpartisan courts are of color (see Page 17).
- Minority representation in the appellate courts is reflective of census data (see Page 20).
- Elected courts represent a greater number of judges than appointed courts.

## Judicial Employees (Excluding Judges)

2018 Non-Judge Employees



2021 Non-Judge Employees



\*State- and non-state-paid employees combined

- 81% of all non-judge employees were Caucasian
- 11% were African-American
- 5% identified as Unknown
- 2% were Two or More Races
- 1% were Asian
- 1% were Hispanic/Latino

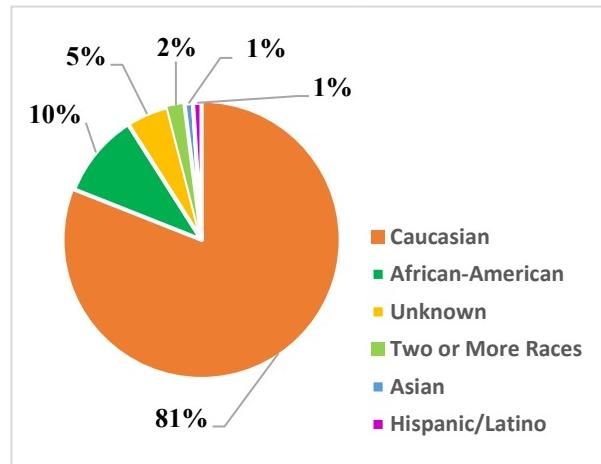
\*State- and non-state-paid employees combined

- 78% of all non-judge employees were Caucasian
- 15% were African-American
- 4% identified as Unknown
- 2% were Hispanic/Latino
- 1% were Two or More Races
- 1% were Asian

✓ African-American representation has increased by 4% since 2018

## Judicial Employees and Judges

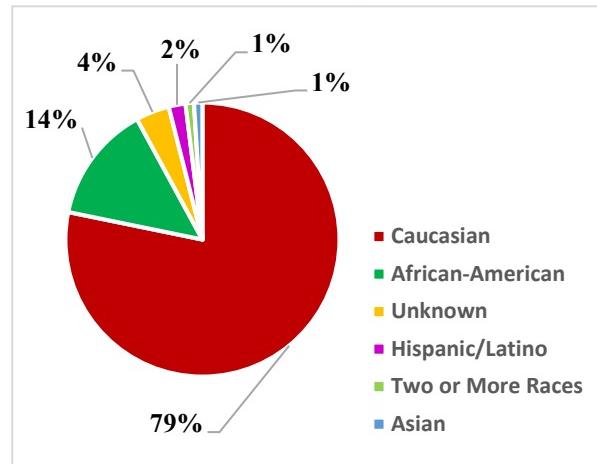
2018 All Judiciary Personnel



\*Employees and judges

- 81% of personnel were Caucasian
- 10% were African-American
- 5% identified as Unknown
- 2% were Two or More Races
- 1% were Asian
- 1% were Hispanic/Latino

2021 All Judiciary Personnel



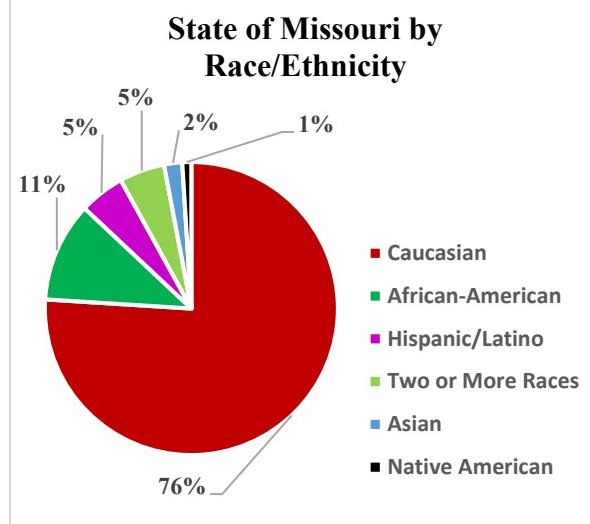
\*Employees and judges

- 79% of personnel were Caucasian
- 14% were African-American
- 4% identified as Unknown
- 2% were Hispanic/Latino
- 1% identified as Two or More Races
- 1% were Asian

## United States Census Bureau Data

The state of Missouri projected population data for 2020 provided by the United States Census Bureau shows the state population is 76% Caucasian, 11% African-American, 5% Hispanic/Latino, 5% Two or More Races, 2% Asian and 0% Native American. (United States Census Bureau, 2020) (See Appendix C for additional information.)

Considering the entire judiciary, Caucasians represented 79% of the workforce and African-Americans 14%. This is reflective of the 2020 census data.



- ✓ African-Americans represent 14% of the entire Missouri Judiciary workforce – reflective of the U.S. Census data for Missouri

## All Missouri Judiciary Employees – Breakdown by Court Size

### Metro-Area Courts by Race/Ethnicity

- Metro-area courts have far greater minority populations, which is reflected in the race and ethnicity of their court staff.
- African-Americans represent about one-third of employees in metro-area courts.

Metro-Area Courts*	Judges	Employees	Census Data
African-American	16%	42%	26%
Asian	1%	2%	4%
Caucasian	78%	48%	58%
Hawaiian/Pacific Islander	0%	0%	0%
Hispanic or Latino	1%	3%	6%
Native American	0%	0%	0%
2 or More Races	1%	1%	5%
Unknown/Declined to Respond	4%	4%	0%
Number	112	1,291	

\*Include the circuit courts of Jackson County, St. Louis County and the city of St. Louis.

### Mid-Size Courts by Race/Ethnicity

- Mid-size courts have minority employee representation comparable with the census data for those same areas.

Mid-Size Courts*	Judges	Employees	Census Data
African-American	0%	7%	6%
Asian	0%	0%	2%
Caucasian	95%	86%	81%
Hawaiian/Pacific Islander	0%	0%	0%
Hispanic or Latino	4%	2%	5%
Native American	0%	1%	0%
2 or More Races	0%	1%	5%
Unknown/Declined to Respond	1%	4%	0%
Number	75	787	

\*Include the following circuit courts: 6th (Platte County), 7th (Clay County), 11th (St. Charles County), 13th (Boone and Callaway counties), 19th (Cole County), 31st (Greene County), 32nd (Bollinger, Cape Girardeau and Perry counties), 38th (Christian County) and 46th (Taney County).

## Rural Courts

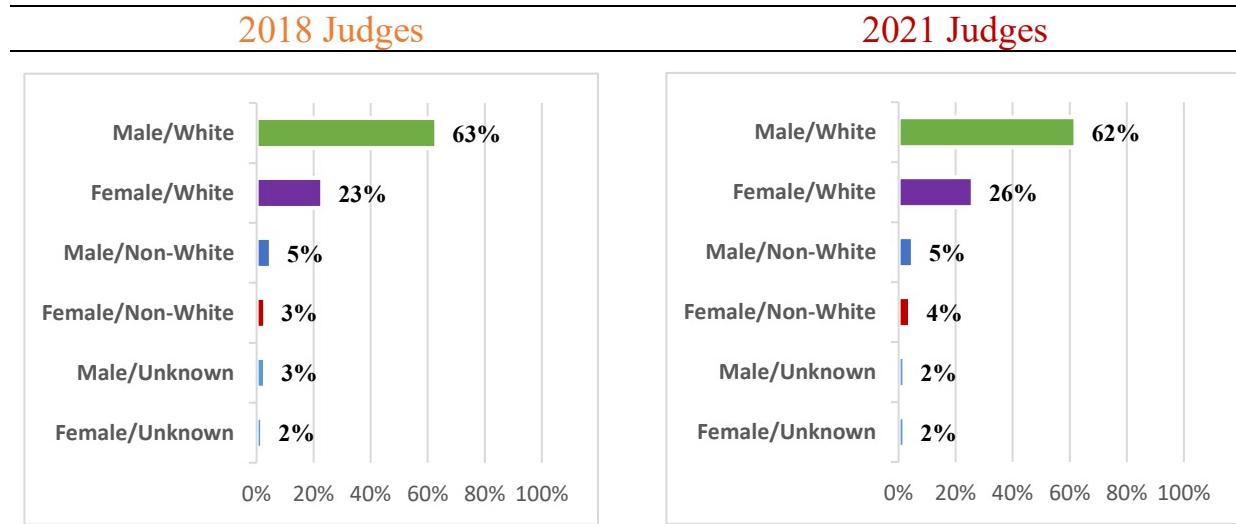
- Rural communities tend to be largely white and the race/ethnicity data reflects that.
- Minority judges are underrepresented in rural courts compared to census data.

Rural Courts*	Judges	Employees	Census Data
African-American	0%	2%	3%
Asian	0%	0%	1%
Caucasian	93%	93%	87%
Hawaiian/Pacific Islander	0%	0%	0%
Hispanic or Latino	0%	1%	4%
Native American	1%	0%	1%
2 or More Races	2%	1%	5%
Unknown/Declined to Respond	5%	4%	0%
Number	193	1,626	

\*Include the remaining 34 circuit courts.

## Missouri Judiciary by Race/Ethnicity Combined with Gender

### Judges



### National Data

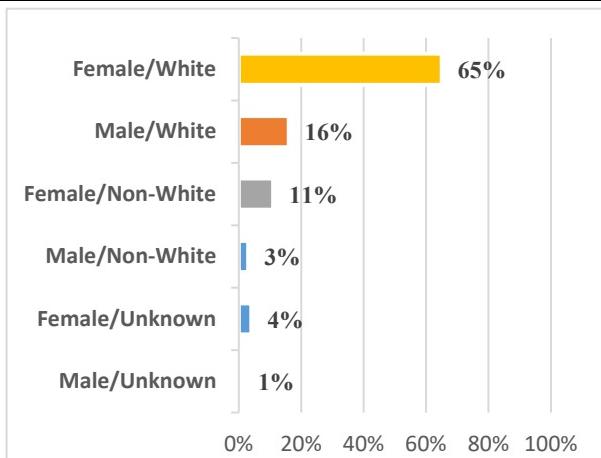
**Nationwide Bench** | 58% of judges were white non-Hispanic males, 22% were white non-Hispanic women, and men and women of color were 12% and 8%, respectively. (National Center for State Courts, 2017):

**Law School Admissions** | In 2020, 13% of male first year law students were minorities and 20% of female first year law students were minorities.

- ✓ 5% of Missouri judges are non-white males, lower than the 12% percent national average
- ✓ 4% of Missouri judges are non-white females, lower than the 8% percent national average

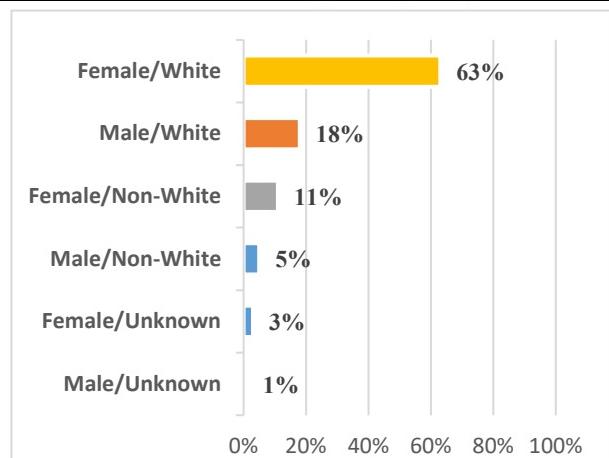
## Judicial Employees (Excluding Judges)

### 2018 Non-Judge Employees



\*State- and non-state-paid employees combined

### 2021 Non-Judge Employees



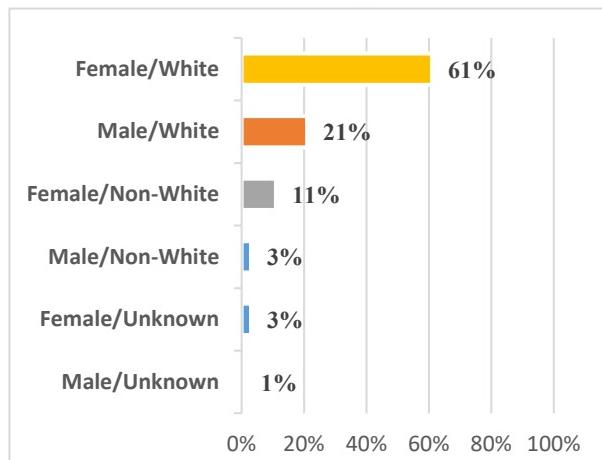
\*State- and non-state-paid employees combined

- 65% of non-judge employees were white females
  - 16% were white males
  - 11% were non-white females
  - 3% were non-white males
- 63% of non-judge employees were white females
  - 18% were white males
  - 11% were non-white females
  - 5% were non-white males

✓ 16% of non-judge employees are non-white, a 2% increase from 2018

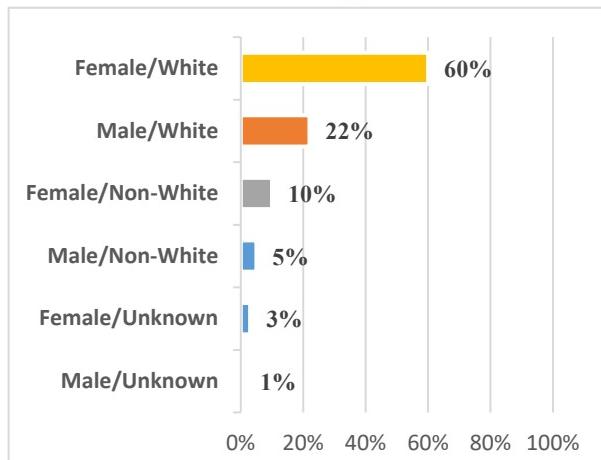
## Judicial Employees and Judges

2018 All Judiciary Personnel



\*Employees and judges

2021 All Judiciary Personnel



\*Employees and judges

- 61% of all employees were white females
  - 21% were white males
  - 11% were non-white females
  - 3% were non-white males
- 60% of all employees were white females
  - 22% were white males
  - 10% were non-white females
  - 5% were non-white males

✓ The data offers a picture of the entire Missouri Judiciary by race/ethnicity combined with gender – nearly one in six is diverse and three in four are women

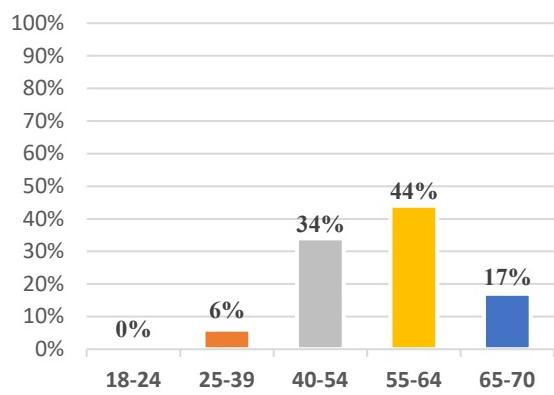
## Missouri Judiciary by Age

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### Judges

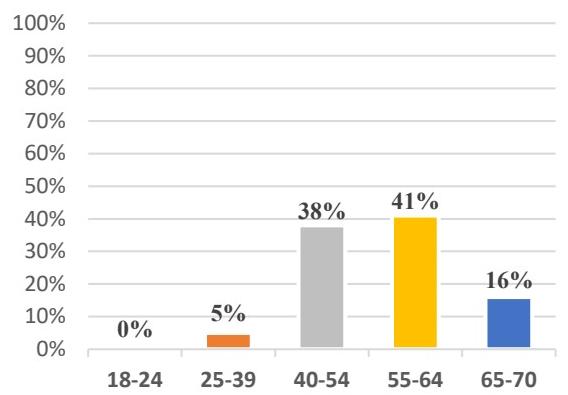
2018 Judges

Missouri Judges



2021 Judges

Missouri Judges



100% of judges per SAM II data. The total for all age groups is greater than 100% due to rounding to the nearest whole number.

- 44% of Missouri judges were 55-64 years of age
- 34% were 40-54 years of age
- 41% of Missouri judges were 55-64 years of age
- 38% were 40-54 years of age

\*The minimum age to be an associate circuit judge in Missouri is 25 years of age. The minimum age to be a circuit, appellate or Supreme Court judge in Missouri is 30 years of age.

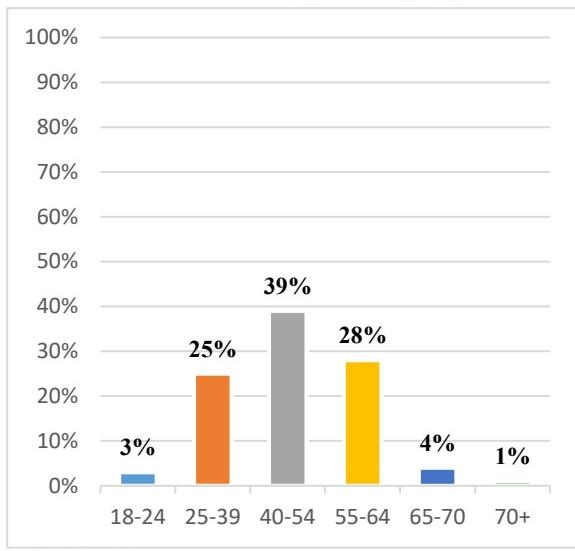
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✓ More than two out of every five judges is 54 years of age or younger

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## Judicial Employees (Excluding Judges)

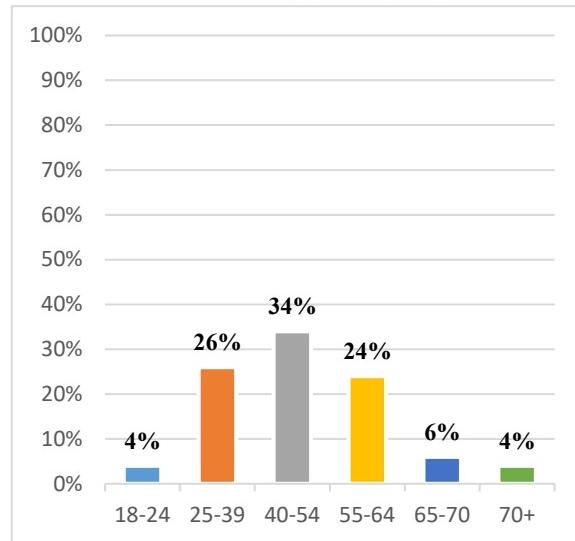
2018 Non-Judge Employees



1% declined to answer

- 39% of non-judge employees were 40-54 years of age
- 28% were 55-64 years of age
- 25% were 25-39 years of age

2021 Non-Judge Employees

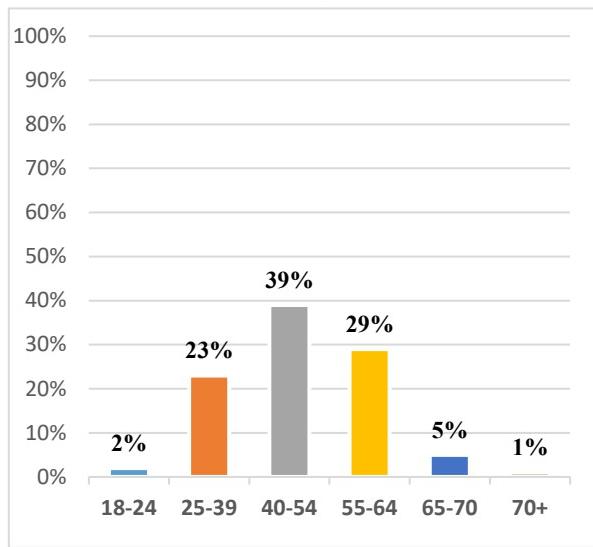


- 34% of non-judge employees were 40-54 years of age
- 26% were 25-39 years of age
- 24% were 55-64 years of age

- ✓ Age 25-39 is now the second largest age group for all non-judge employees, reflective of the Missouri population

## Judicial Employees and Judges

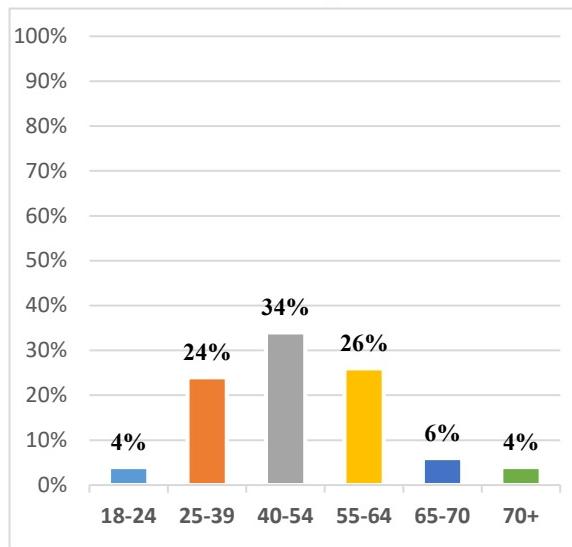
### 2018 Judiciary Personnel



1% declined to answer

- 39% of all judicial personnel were 40-54 years of age
- 29% were 55-64 years of age
- 23% were 25-39 years of age

### 2021 Judiciary Personnel



- 34% of all judicial personnel were 40-54 years of age
- 26% were 55-64 years of age
- 24% were 25-39 years of age

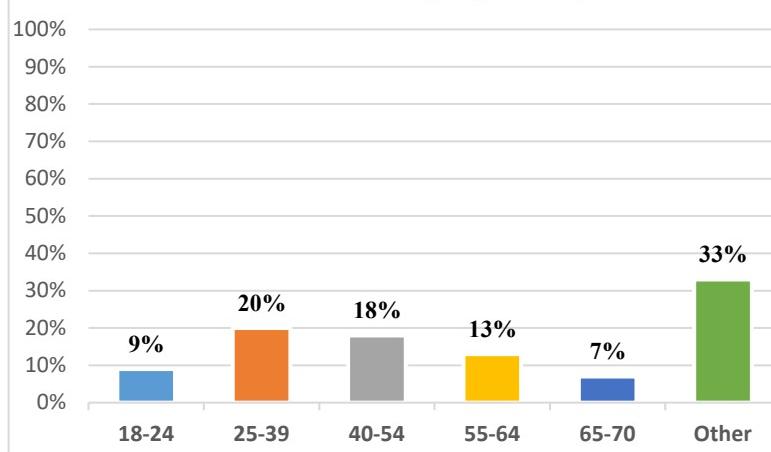
✓ Nearly two out of three Missouri Judiciary personnel – judges and employees – is 54 years of age or younger

## United States Census Bureau Data

The Missouri Census Data shows most of the citizens of the state of Missouri in the “Other” age group – under 18 or over 70. (United States Census Bureau, 2020) (See Appendix C for additional information.)

The Missouri Census Data shows 20% of the Missouri population is 25-39 years old, closely reflective of the Missouri judiciary as a whole. However, personnel aged 40-64 years are at much higher percentages than reflective of the Missouri population.

### Missouri Census by Age Group



## All Missouri Judiciary Employees – Breakdown by Court Size

### Metro-Area Courts by Age

<b>Metro-Area Courts*</b>	<b>Judges</b>	<b>Employees</b>	<b>Census Data</b>
18-24	0%	2%	11%
25-39	5%	25%	28%
40-54	38%	31%	22%
55-64	43%	29%	17%
65-70	14%	6%	8%
70+	0%	2%	14%
Declined to Respond	0%	4%	N/A
Number	112	1,290	

\*Include the circuit courts of Jackson County, St. Louis County and the city of St. Louis.

### Mid-Size Courts by Age

<b>Mid-Size Courts*</b>	<b>Judges</b>	<b>Employees</b>	<b>Census Data</b>
18-24	0%	9%	14%
25-39	5%	29%	26%
40-54	35%	35%	23%
55-64	43%	19%	16%
65-70	17%	4%	8%
70+	0%	2%	13%
Declined to Respond	0%	2%	N/A
Number	75	787	

\*Include the following circuit courts: 6th (Platte County), 7th (Clay County), 11th (St. Charles County), 13th (Boone and Callaway counties), 19th (Cole County), 31st (Greene County), 32nd (Bollinger, Cape Girardeau and Perry counties), 38th (Christian County) and 46th (Taney County).

### Rural Courts by Age

<b>Rural Courts*</b>	<b>Judges</b>	<b>Employees</b>	<b>Census Data</b>
18-24	0%	4%	11%
25-39	6%	27%	23%
40-54	42%	37%	23%
55-64	37%	26%	18%
65-70	15%	4%	9%
70+	0%	1%	16%
Declined to Respond	0%	1%	N/A
Number	193	1,626	

\*Include the remaining 34 circuit courts.

## Conclusion

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This report compares the 2021 data to the 2018 data and serves as a baseline about diversity within the Missouri Judiciary. It is anticipated that subsequent reports be compared to this 2022 report now that we have a better system to collect data about both state and non-state paid employees. Both groups can be combined into one number for comparisons in later reports. This report will be updated in the future to assist leaders in examining the progress made on increasing diversity and to make informed decisions regarding the workforce within the Missouri Judiciary. The process for collecting this data will continue to be reviewed to increase the accuracy of the data collected in hopes of reaching the entire Missouri Judiciary workforce population.

The data collected shows that Missouri judges are reflective of national judge data for gender and are consistent with the racial/ethnic composition of The Missouri Bar. For all Missouri Judiciary personnel – judges and employees combined – nearly three out of four are female, nearly one in five is racially and ethnically diverse (African-American, Hispanic/Latino, Asian, or two or more races), and nearly two out of three are 54 years of age or younger.

Several studies have found the benefits of creating a diverse workforce – such as increased collaboration, broader viewpoints represented, and increased legitimacy from the public – because the organization reflects the population it serves. Increasing diversity within an organization is an ongoing goal, which the Missouri Judiciary, like other organizations, hopes to achieve.

## Appendix A

### Methods

To improve the accuracy of non-state-paid employees demographic information collected, OSCA created a spreadsheet with names and categories of information needed for this report. The spreadsheet was sent to the circuit courts and juvenile offices (170 locations) to add their non-state-paid employee data between September of 2021 and March of 2022. OSCA identified 1,798 names as potential non-state-paid employees. Demographic information was returned for 1,574 non-state-paid employees, for a response rate of 87.5%. Using the spreadsheet garnered an additional 400+ responses compared to the 2018 survey.

How well our sample (1,574) represents the population is measured by three statistics – margin of error, confidence level and t-test. Our results produced a 2% margin of error and a confidence level of 99%. This means if we were to conduct our survey again, we can assume our results would be within 2%, 99 out of 100 times we conducted the survey. A t-test on the total number sent to total number received was also performed to ensure the number of responses needed to obtain statistical significance. To adhere to good survey standards, a 95% confidence interval with +/- 5% standard error was desired. Only 317 responses were needed to achieve this standard, far below our 1,574 responses received. It was determined that this sample was representative of the population and the results were statistically significant.

## Appendix B

**Judges/Commissioners** – Job category only includes those who are judges or commissioners for the courts in the state of Missouri. The data for the judges and commissioners was compiled from the SAM II Payroll System Database.

**State Employees (non-judge)** – This category includes all job classifications within the Missouri Judiciary except for judges and commissioners. These workers are all paid and employed by the state of Missouri. The data for these workers was compiled from the SAM II Payroll System Database.

**Other Court Employees (non-judge)** – This category includes all job classifications within the Missouri Judiciary except for judges and commissioners. These workers are employed by entities other than the state of Missouri. This would include those who are paid and employed through the counties or the city of St. Louis. The data for these workers was collected by OSCA, through the circuits. (See Appendix A for more about the OSCA Diversity Survey).

The data for state employed workers (non-judge) and other court employees consists of many different job classifications. Those classifications were broken down into several job categories and the demographics for those categories analyzed. The following tables contain data for the entire Missouri Judiciary. This would include judges and commissioners, state-paid employees (non-judge) and other court employees (non-judge). The first table is a simple count for the number of each race/ethnicity within each of the job categories. The second table is the percentage of each race/ethnicity within each job category. The data is meant to be read from left to right to show the total demographic breakdown for each job category.

**Table 1**

<b>Count</b>	African-American	Asian	Hawaiian/Pacific Islander	Hispanic or Latino	Native American	Two or More Races	Caucasian	Unknown	Total
Accounting/Budget	6	1	0	0	0	0	23	2	32
Administrative/Secretarial	33	2	0	2	0	3	150	10	200
Administrators/Managers/Supervisors	44	2	0	4	0	1	177	5	233
Clerks/Reporters	214	10	2	29	10	22	1575	68	1930
IT Specialties	4	2	0	2	1	0	79	6	94
Judges/Commissioners	22	2	0	4	2	4	369	16	419
Juvenile/Family Services	219	0	1	11	4	6	694	33	968
Legal Counsel	7	4	0	4	0	1	78	2	96
Maintenance/Building Maintenance	3	0	0	8	0	0	8	0	19
Management Analysts	2	0	0	1	0	1	76	2	82
Marshals/Bailiffs/Security	31	0	0	2	0	0	104	21	158
Other	78	2	0	8	0	1	326	13	428

**Table 2**

Percentages	African-American	Asian	Hawaiian/Pacific Islander	Hispanic or Latino	Native American	Two or More Races	Caucasian	Unknown
Accounting/Budget	19%	3%	0%	0%	0%	0%	72%	6%
Administrative/Secretarial	17%	1%	0%	1%	0%	2%	75%	5%
Administrators/Managers/Supervisors	19%	1%	0%	2%	0%	0%	76%	2%
Clerks/Reporters	11%	1%	0%	2%	1%	1%	82%	4%
IT Specialties	4%	2%	0%	2%	1%	0%	84%	6%
Judges/Commissioners	5%	0%	0%	1%	0%	1%	88%	4%
Juvenile/Family Services	23%	0%	0%	1%	0%	1%	72%	3%
Legal Counsel	7%	4%	0%	4%	0%	1%	81%	2%
Maintenance/Building Maintenance	16%	0%	0%	42%	0%	0%	42%	0%
Management Analysts	2%	0%	0%	1%	0%	1%	93%	2%
Marshals/Bailiffs/Security	20%	0%	0%	1%	0%	0%	66%	13%
Other	18%	0%	0%	2%	0%	0%	76%	3%

## Job Categories

**Accounting/Budget:** Consists of all classes of Accountants, Fiscal Officers, Budget and Finance positions within the Missouri Judiciary.

**Administrative/Secretarial:** Consists of all classes of Administrative Support staff, Administrative Assistants, Judicial Administrative Assistants, Secretaries to Presiding Judges and Special Assistants.

**Administrators/Managers/Supervisors:** Consists of all classes of Court Administrators, Treatment Court Administrators, Court Managers and Court Supervisors, and within OSCA, all Division Directors, Managers and Supervisors.

**Clerks/Reporters:** Consists of all classes of Circuit Clerks, Court Clerks, Law Clerks, Court Support Staff and Court Reporters.

**IT Specialties:** Consists of all classes of Information Technologists, Programmers, Software Engineers, Computer Support Technicians and System Administrators.

**Judges/Commissioners:** Consists of Associate Circuit Judges, Circuit Judges, Appellate Judges, Supreme Court Justices, Drug Court Commissioners, Family Court Commissioners and Probate Commissioners.

**Juvenile/Family Services:** Consists of all classes of Juvenile Officers, Youth Care Specialists, Detention Aides, Detention Juvenile Officers, Food Service Workers, Juvenile Court Program Specialists and Juvenile Administrative Support Staff.

**Legal Counsel:** Consists of all classes of Attorney and Legal Staff, Legal Counsel, Staff Counsel, Communications Counsel, Research Attorneys, and Commission on Retirement, Removal and Discipline Counsel.

**Maintenance/Building Maintenance:** Consists of all classes of Building Operations Specialists, Maintenance Workers and Custodians.

**Management Analysts:** Consists of all classes of Management Analysts and Business Analysts.

**Marshals/Bailiffs/Security:** Consists of all classes of Court Security Officers, Court Marshals and Bailiffs.

**Other:** This category consists of all jobs classifications that did not fall into any of the other categories represented. These include but are not limited to Medical Staff, Librarians, Human Resources Officers (not employed by the state of Missouri), Program Specialists, Transcription Specialists, Inventory Specialists and Investigators.

## Appendix C

The United States Census Bureau data provided in this document is projected population data for 2020 derived from the last United States Census conducted (2020). The following information is directly quoted from <https://www.census.gov/programs-surveys/popproj/about.htm>.

### Population Projections

What are population projections?

Population projections are estimates of the population for future dates. They are typically based on an estimated population consistent with the most recent decennial census and are produced using the cohort-component method. Projections illustrate possible courses of population change based on assumptions about future births, deaths, net international migration, and domestic migration. In some cases, several series of projections are produced based on alternative assumptions for future fertility, life expectancy, net international migration, and (for state-level projections) state-to-state or domestic migration.

How are estimates different from projections?

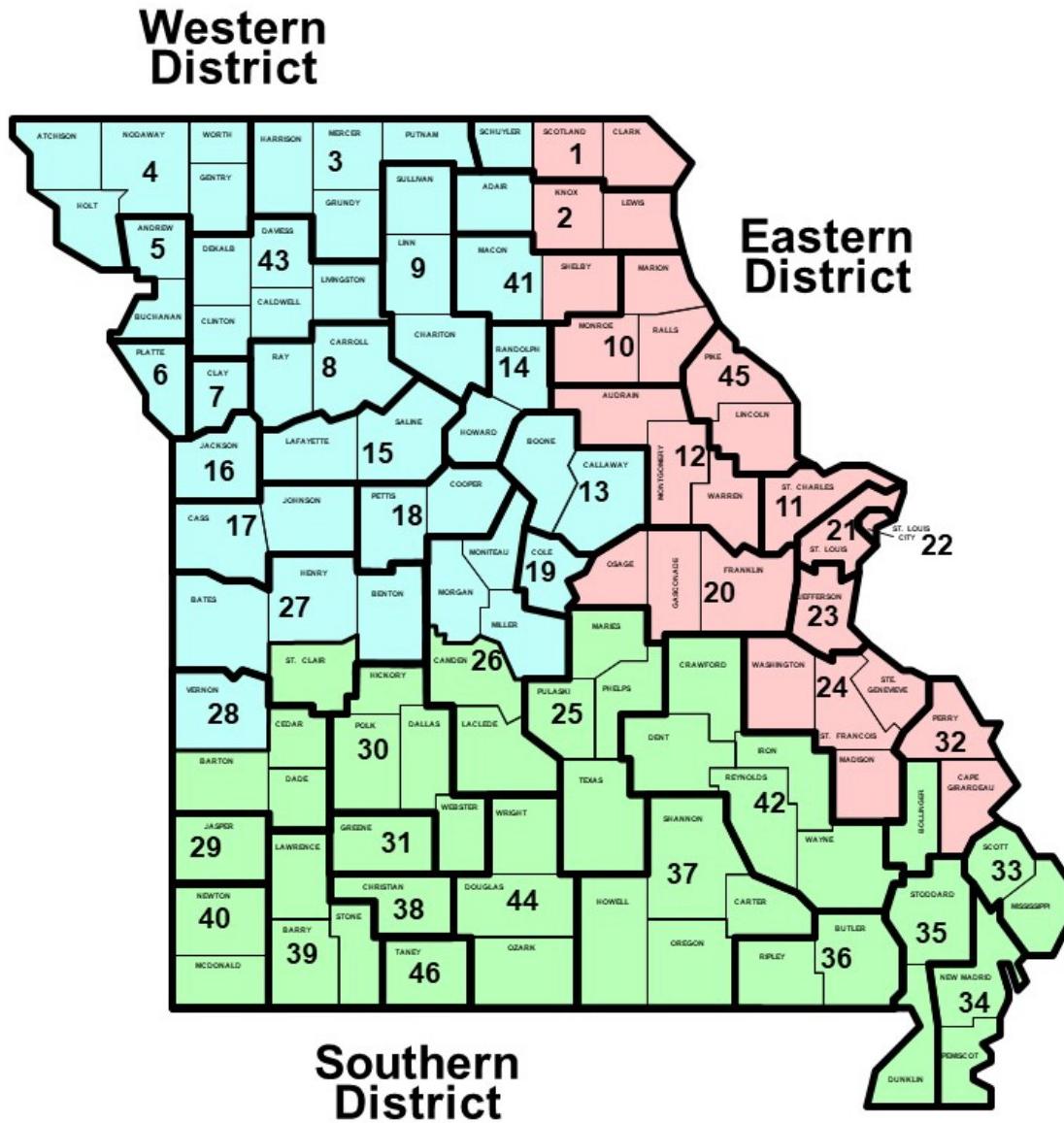
While projections and estimates may appear similar, there are some distinct differences between the two measures. Estimates are for the past and present, while projections are based on assumptions about future demographic trends. Estimates generally use existing data collected from various sources, while projections make assumptions about what demographic trends will be in the future. Data users may find both an estimate and a projection available for the same date (e.g., July 2011), which may not agree. In such cases, estimates are the preferred data, unless the user's objective is to compare the number with others in the projected series.

What is the cohort-component method?

In the cohort-component method, the components of population change (fertility, mortality, and net migration) are projected separately for each birth cohort (persons born in a given year). The base population is advanced each year by using projected survival rates and net international migration. Each year, a new birth cohort is added to the population by applying the projected fertility rates to the female population. For a more detailed explanation of methodologies used, see the Methodology section.

## Appendix D

Missouri's 46 judicial circuits and three districts of the Missouri Court of Appeals.



## Appendix E

<b>Nonpartisan Courts</b>	<b>Judges</b>	<b>State-Paid Workers</b>	<b>Non-State-Paid Workers</b>	<b>Census Data</b>
Number	182	669	934	
<b>Race/Ethnicity</b>				
African-American	12%	27%	39%	11%
Asian	1%	1%	1%	2%
Caucasian	81%	64%	50%	76%
Hawaiian/Pacific Islander	0%	0%	0%	0%
Hispanic or Latino	2%	2%	4%	5%
Native American	0%	0%	0%	0%
2 or More Races	0%	2%	1%	5%
Unknown/Declined to Respond	4%	3%	5%	0%
<b>Gender</b>				
Female	42%	87%	62%	51%
Male	58%	13%	36%	49%
Unknown	0%	0%	2%	0%
<b>Age Groups</b>				
18-24	0%	4%	4%	12%
25-39	4%	25%	26%	26%
40-54	32%	35%	29%	23%
55-64	47%	28%	26%	17%
65-70	16%	6%	6%	9%
70+	0%	1%	3%	14%
Declined to Respond	0%	0%	6%	N/A

Census data includes Clay, Platte, Jackson, Greene, and St Louis counties; the city of St. Louis; all three appellate districts; and Supreme Court

<b>Elected Courts</b>	<b>Judges</b>	<b>State-Paid Workers</b>	<b>Non-State-Paid Workers</b>	<b>Census Data</b>
Number	237	1709	392	
<b>Race/Ethnicity</b>				
African-American	0%	2%	10%	4%
Asian	0%	0%	0%	1%
Caucasian	94%	92%	84%	85%
Hawaiian/Pacific Islander	0%	0%	0%	0%
Hispanic or Latino	0%	1%	1%	4%
Native American	1%	1%	1%	0%
2 or More Races	1%	1%	0%	5%
Unknown/Declined to Respond	4%	4%	4%	0%
<b>Gender</b>				
Female	24%	87%	64%	50%
Male	76%	13%	36%	50%
Unknown	0%	0%	1%	0%
<b>Age Groups</b>				
18-24	0%	4%	10%	12%
25-39	6%	26%	32%	24%
40-54	43%	39%	29%	23%
55-64	36%	26%	16%	18%
65-70	15%	4%	5%	9%
70+	0%	1%	3%	15%
Declined to Respond	0%	0%	5%	N/A

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